

broadly in his diagnosis by the symptology of the case. Zhongiva, being reconstructive, has a very potent and distinctive therapeutic value; \* \* \* Its therapy is strongly indicated in pyosis, incipient pyorrhea, interstitial gingivitis, pericementitis, peridental inflammation, \* \* \* receding, spongy tissues, looseness of the teeth, \* \* \* in cases of pyogenesis, use full strength. Zhongiva clears up the pathologic condition and hastens the amelioration of the tissues to a normal stage of restoration. It relieves the painful eruptions of the 6th and 12th year molars, also the wisdom teeth. \* \* \* It is an excellent alterative when used by children and adults suffering from inflamed and bleeding gums, \* \* \* used as a gargle for sore throat."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18463. Adulteration and misbranding of ether. U. S. v. 125 One-Half Pound Cans of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25645. I. S. No. 4995. S. No. 3934.)**

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maine.

On January 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 125 half-pound cans of ether, remaining in the original unbroken packages at Portland, Me., alleging that the article had been shipped by Merck & Co. (Inc.), from New York, N. Y., on or about July 19, 1930, and had been transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement "Ether for Anesthesia, U. S. P." on the label, was false and misleading.

On March 30, 1931, Merck & Co. (Inc.), Rahway, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, or the deposit of cash in like amount, conditioned in part that it be made to comply with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18464. Misbranding of Pycopé. U. S. v. 2 Gross Cans of Pycopé. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 25590. I. S. No. 19807. S. No. 3837.)**

Examination of a drug product, known as Pycopé, having shown that the label of the tin container and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Texas the interstate shipments herein described, involving a quantity of the article at Beaumont, Tex.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two gross cans of Pycopé, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by Pycopé (Inc.), from Joplin, Mo., in part on September 6, 1930, and in part on November 10, 1930, and had been transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, sodium carbonate, sodium bicarbonate, borax, calcium carbonate, compounds of iron, aluminum, and magnesium, and flavoring materials.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container) "It saves the teeth \* \* \* for Mouth Health \* \* \* Hardens Soft and Bleeding Gums;" (circular) "It saves the teeth \* \* \* there is little excuse for Pyorrhea \* \* \* the dental profession recognizes Pyorrhea as a condition followed by a complex infection. You can aid your dentist in relieving the condition and preventing the infection by using Pycope Tooth Powder and Brush. Pyorrhea is a gum disease. You may have beautiful white teeth and yet have Pyorrhea. The correct use of Pycope Tooth Powder and Brush promotes mouth health by raising the natural resistance to the infection. Brush your teeth and massage your gums with these products for three minutes twice each day. Pycope Products are endorsed by many hundreds of progressive dentists. These authorities, whose knowledge is beyond question, are your assurance of its effectiveness."

On June 20, 1931, Pycope (Inc.), Joplin, Mo., intervener, having withdrawn its claim and answer, and the court having found that the product was misbranded as alleged in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18465. Misbranding of Lung Saver cough syrup. U. S. v. 11 1/12 Dozen Bottles, et al., of Lung Saver Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25096, 25179. I. S. Nos. 3448, 5155. S. Nos. 3380, 3431.)**

Examination of a drug product, known as Lung Saver cough syrup, showed that the labels of the bottles containing the article, and a wholesale carton inclosing a portion of the said bottles, bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Examination further showed that a portion of the article bore an incorrect declaration of the quantity of chloroform contained therein.

On September 5 and October 8, 1930, the United States attorney for the District of Delaware, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 15 dozen bottles of Lung Saver cough syrup, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lung Saver Co., from Philadelphia, Pa., in part on or about June 5, 1930, and in part on or about August 26, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of chloroform (1.86 minims per fluid ounce), menthol, anise oil, licorice, sugar, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Lung Saver \* \* \* The Lung Saver Co. \* \* \* Lung Saver for Coughs \* \* \* Hoarseness, Bronchitis, Grippe, Tightness of the chest, Asthma, Colds, Whooping Cough and Croup \* \* \* For Asthma and Bronchitis \* \* \* To stop a cough at night \* \* \* Lung Saver;" (wholesale carton inclosing portion of the product) "Lung Saver The Good Cough Syrup The Lung Saver Co." Misbranding was alleged with respect to a portion of the article for the further reason that the package failed to bear a statement on the label of the quantity or proportion of chloroform contained therein, since the label declared 7 minims of chloroform per fluid ounce, and analysis showed that but 1.86 minims per fluid ounce were present.

On November 7, 1930, and April 20, 1931, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*